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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE PARCEL OF REAL ESTATE  
PROPERTY LOCATED AT 9414 PLAZA  
POINT DRIVE, MISSOURI CITY, TEXAS,  
77459,

Defendant.

CIVIL CASE NO. 20-02013 VC

**INFORMATION TECHNOLOGY SPECIALIST-  
FORENSIC EXAMINER GREGORY S. WALES  
JR. DECLARATION IN SUPPORT OF THE  
GOVERNMENT'S RESPONSE TO  
DEFENDANT'S MOTION TO PRESERVE  
EVIDENCE**

I, Gregory S. Wales. Jr., Information Technology Specialist-Forensic Examiner for the Federal Bureau of Investigation ("FBI"), United States Department of Justice, state as follows:

1. I have been employed as an Information Technology Specialist-Forensic Examiner with the FBI since 2018. I am currently assigned to the Silicon Valley Regional Computer Forensics Laboratory ("RCFL"). Before I was an Information Technology Specialist-Forensic Examiner with the FBI, I was Digital Forensic Consultant with Consilio LLC. As part of my training, I have received specific

WALES DECL. ISO RESPONSE TO CLAIMANT'S MOTION TO PRESERVE EVIDENCE  
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1 instruction in how to handle seized computers that come into the RCFL, FBI protocols with respect to  
2 creating forensic images of computer hard drives, and assisting agents with their investigation into forensic  
3 images of computer hard drives.

4 2. I make this affidavit in support of the United States' opposition to Claimant Rowland  
5 Marcus Andrade's motion to preserve evidence and store it with the Court during the pendency of this  
6 action. See Dkt. No. 31.

7 3. My duties include creating forensic images of computer hard drives for FBI agents' use in  
8 investigating crimes. Essentially, I create mirror images of hard drives from computers that are sent to  
9 the RCFL to allow agents to review hard drives without the need to have the physical computer present  
10 with them at all times. In this specific case, my predecessor conducted the imaging of Claimant Marcus  
11 Andrade's computer. My predecessor no longer works in this office. I have taken over responsibility for  
12 this case, and thus am familiar with the processes used to create and analyze the hard drive from Claimant's  
13 business computer.

14 4. As part of my duties, I am required to observe and enact various FBI protocols relating to  
15 the handling of hard drives and forensic images of those hard drives. Among other things, I am generally  
16 not permitted to add, delete, or change files on hard drives except for purposes of obtaining a forensic  
17 image. Once the forensic image is obtained, the hard drive remains with the RCFL until the hard drive,  
18 and its associated computer, are returned to their owner or otherwise disposed of as ordered at the end of  
19 a case.

20 5. My understanding of the history of this case indicates that all prescribed FBI protocols  
21 have been followed at the RCFL. When the RCFL received the computer, it photographically documented  
22 the computer's condition. In this case, Claimant's business computer appeared to be cosmetically  
23 damaged. Thereafter, the RCFL extracted the computer's hard drive and created a forensic copy of the  
24 drive. Once the forensic image was obtained, the hard drive was reconnected to its associated computer  
25 and was powered on to ensure that the devices were properly functioning. While the computer was booting  
26 up, the operating system appeared to be updating previously downloaded features. Before the operating  
27 system completed the update, the computer was shutdown by depressing the power button. This process


1 was repeated a second time to ensure the shutdown during an operating system update did not negatively  
2 affect the operating system. The second time the system was booted, the same operating system updates  
3 notification was displayed. Before the operating system completed the update, the computer was shutdown  
4 by depressing the power button. Booting up the computer occurred on November 9, 2018.

5 6. Importantly, no individual at the RCFL had the opportunity to add, delete, or change the  
6 contents of Claimant's business computer. Once the RCFL created the forensic image in this case, it is  
7 my understanding that the investigators analyzed the forensic copy of the drive, meaning that the physical  
8 hard drive remained in the computer in RCFL's custody.

9 7. I further understand, based on my knowledge and facts related to me, that the Claimant's  
10 business computer was returned to Claimant. The returned computer included the physical hard drive.  
11 As no files were added, deleted, and only updated operating system features were being configured with  
12 respect to the physical hard drive, the contents of the drive at the time the computer was seized from the  
13 Claimant would almost certainly have only the operating system related changes from when the computer  
14 was returned to Claimant.

15 I declare under penalty of perjury that the foregoing is true and correct.

16  
17 Dated: June 24, 2020

  
GREGORY S. WALES JR.  
Information Technology Specialist-Forensic  
Examiner  
Federal Bureau of Investigation